United Nations E/C.12/2016/SR.35

Economic and Social Council

Distr.: General
20 June 2016

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-eighth session

Summary record of the 35th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 15 June 2016, at 10 a.m.

Chair: Mr. Sadi

Contents

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth and fifth periodic reports of Angola (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-10031 (E) 170616 200616

* 1 6 1 0 0 3 1 *

Please recycle

The meeting was called to order at 10.10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined fourth and fifth periodic reports of Angola (continued) (E/C.12/AGO/4-5; E/C.12/AGO/Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Angola took places at the Committee table.*

2. **Mr. Cristóvão** (Angola), replying to a question raised at the previous meeting on the status and use of languages other than Portuguese in Angola, said that the Constitution established the obligation of the State to promote the study, teaching and use of other national languages. The last census conducted in the country showed that around 70 per cent of Angolans spoke Portuguese at home while the remainder spoke one of the recognized national languages.

3. While the Constitution did not expressly recognize linguistic minorities, the State did and had taken measures to protect the languages that they spoke. The Ministry of Culture attached great importance to the preservation of minority languages and to the promotion of their use in public and private institutions, as well as in all spheres of public life. In keeping with that goal, a resolution calling for the creation of an alphabet for certain minority languages had been passed. The alphabets in question would be developed by the Angolan Institute for National Languages, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), as part of a language development project.

4. The African Academy of Languages was assisting the Government in preparing dictionaries and other materials for the teaching of national languages. Although national languages were taught first and foremost in secondary schools, it was also possible to pursue studies in those languages at undergraduate and postgraduate level at the country's universities. An institute had been created for the sole purpose of promoting the study and use of national languages in Angola. Furthermore, a variety of television and radio programmes were broadcast solely in national languages. National languages continued to be an integral part of the country's cultural heritage, as demonstrated by the fact that many authors and musicians still chose to write and compose in one of those languages. Grants and prizes could be awarded to individuals who had demonstrated their commitment to preserving and promoting national languages through development projects or creative endeavours. A bill on the status of national languages had been submitted to the national parliament which, if passed, would serve to enhance their position further.

5. Regrettably, three minority languages had become extinct and a fourth language was dying out. That trend could be explained by the fact that some ethnolinguistic groups had gradually abandoned their habitual language in favour of that of a neighbouring community.

6. Although the Constitution did not recognize ethnic minorities, the State did and, in cooperation with non-governmental organizations (NGOs), had launched a number of programmes to guarantee them access to basic health-care and social services. There was no evidence to suggest that ethnic minorities were disproportionately involved in land disputes. Such disputes could be resolved by extrajudicial means or by the national courts. The national strategy for territorial administration included a programme targeting traditional communities and a study on issues relating to ethnolinguistic groups.

7. **Mr. Guimarães** (Angola) said that the Constitution enshrined the right of workers to create trade union organizations in order to defend their collective and individual interests and regulated the founding, affiliation and dissolution of those organizations, guaranteeing their autonomy and independence from employers and the State. While the right to strike was also guaranteed, its exercise could be limited to ensure the continued operation of services and activities considered essential and urgent in terms of meeting vital social needs.

8. There were currently 152 trade unions operating as part of three trade union confederations in Angola. The total number of trade union members was somewhere in the region of 866,000. A special law regulating trade union activities was in force. Angola had ratified all the core conventions of the International Labour Organization (ILO), which included the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

9. Despite the problems encountered by the country in the wake of the global financial crisis, the Government had successfully adopted laws, programmes and policies to stabilize the country's macroeconomic situation, to combat poverty and to promote decent work. Measures to restructure the national economy had been included in the National Development Plan with a view to improving the country's human development index. The Government continued to devote substantial efforts to facilitating the transition from the informal to the formal economy and, to that end, had adopted programmes to create jobs, to provide persons making the transition with adequate training and to promote registration with social security and taxation authorities. However, while much had been achieved in that respect, the Government acknowledged that it needed to do more to assist the more vulnerable segments of Angolan society.

10. The fixing of the national minimum wage was regulated by the General Labour Law. The national minimum wage often varied from sector to sector and both public and private employers could, and often did, pay employees more than the minimum wage fixed for the sector in question, provided that doing so would not jeopardize the country's economic growth and stability.

11. The Government was examining the possibility of introducing a social protection floor and, with the support of the Community of Portuguese-speaking Countries, had identified the most appropriate mechanisms and the resources necessary for doing so. However, the fact that the transition from the informal to the formal economy was not yet complete would preclude the introduction of a social protection floor in the near future. The Government could, however, adopt a series of interim measures.

12. **Mr. Fernandes** (Angola) said that the Government was aware of the need to guarantee food security and, to that end, had adopted a programme to increase and improve the provision of goods and services in the agriculture, fisheries and forestry sectors, in keeping with the strategic objectives of the Food and Agriculture Organization of the United Nations relating to the elimination of hunger, food insecurity and malnutrition, and the promotion of more productive and sustainable agriculture, forestry and fisheries. One of the aims of the programme was to guarantee the traceability of fish and fishery products as a means of ensuring higher safety and hygiene standards and better quality control in that sector. An early warning system for food security comprising a series of weather stations had also been introduced. Furthermore, facilitating access to loans for agribusinesses had been included as a priority in the country's agricultural policy in an attempt to guarantee food security in the country.

13. From 2011 to 2013, the Government had invested close to $3 million in the construction of three fish processing centres. The social impact of the project had been

positive, as the newly opened centres had proceeded to employ just under 900 female informal sector workers, thereby facilitating their transition to the formal economy and boosting their income. Those workers had been granted microcredits and had received technical training in processing and handling fish and fishery products. In 2015, the Government had invested further in those centres to ensure that their fish products were of the best possible quality. In addition, some 220 young fishermen had been trained in handling fish products and performing quality control checks.

14. The onset of drought in certain regions of the country had prompted the Government to deliver a considerable amount of food and other goods to the populations affected and to allocate significant funds to offset its effects.

15. **Mr. Ceita** (Angola) said that, according to the census conducted in 2014, around 10 per cent of the population owned a computer and had Internet access, which amounted to some two million people. In order to increase computer literacy, the Government had opened eight multimedia libraries in the country's major provinces. Some one million people had been using the new multimedia libraries since August 2012. There were plans to open a further four multimedia libraries in the remaining provinces of the country by the end of 2017.

16. Although the outbreak of the armed conflict in Angola had prompted the majority of rural dwellers to seek refuge and a better life in urban areas, a considerable number had remained in their homes. In an effort to alleviate the poverty in which much of the rural population lived, the Government had launched a number of programmes targeting the most vulnerable groups, namely women, children and adolescents, and the elderly. The aim of the programmes was to afford those groups access to agricultural inputs, microcredit, housing, education and running water. A considerable reduction in rural poverty had been recorded as a result of those programmes. There were also plans to conduct a survey to collect data on household income and expenditure in rural areas in order to gain a better understanding of the seasonal needs of rural communities.

17. Referring to the letter to States parties dated 16 May 2012 from the Chair of the Committee, on austerity measures and their potential impact on the enjoyment of economic, social and cultural rights, he said that data collected between 2008 and 2016 showed that the average proportion of the State budget allocated to education, health and social protection over that period had remained constant at 7.5 per cent ($3 billion), 5.5 per cent ($2.3 billion) and 11 per cent ($6.5 billion), respectively. During that period, the Government had been obliged to redouble its efforts to recruit professionals in the health-care and education sectors. To date, around 22,000 educators and 3,500 doctors had been recruited, which attested to the importance that the Government attached to the welfare of the Angolan people.

18. The 2015-2016 report on health statistics would be released at the end of June 2016, and the Government would forward it to the Committee. The data for the report had been collected through a multiple-indicator household survey which in previous years had focused on women and children, but had now for the first time included men in order to collect biometric data on HIV status. The report included data on the prevalence of malaria, childhood anaemia, and maternal, newborn and infant mortality, as well as data on nutrition disaggregated by sex, age and region. The World Health Organization (WHO), the World Bank and the United States Agency for International Development had provided funding and technical support for the National Statistics Institute.

19. The data on employment and unemployment previously provided by the delegation encompassed both the formal and informal sectors; the Government was currently drawing up a profile of the informal sector in recognition of its important role.

20. The 2016 budget allocated US$ 4 billion to education, US$ 3 billion to health, and US$ 8 billion to social protection

21. **Ms. Cardoso Januário** (Angola) said that the right to freedom of association was enshrined in the Constitution and the Private Associations Act. A total of 228 national and 73 international private associations were active in the country. Complaints of human rights violations could be lodged with a number of bodies, including local human rights committees, the prosecution service, the police, the Attorney General's Office, and provincial courts. The Government had reduced the number of administrative steps for creating a private association to a maximum of six: those steps included drafting the articles of association, registering the association, publishing the registration in the Official Gazette, and registration with the Ministry of Justice and Human Rights. At that stage, a provisional registration was issued, pending review by the Attorney General's Office, which would then issue the definitive registration certificate unless amendments were required to bring the articles of association into line with legal provisions.

22. The Government was currently implementing the provisions of the Regulation on Non-Governmental Organizations, which had been drawn up in response to cases of illicit transactions linked to money laundering and the funding of terrorism, and which formed part of its commitments to the Financial Action Task Force. The Ministry of Justice and Human Rights had a close relationship with every single private human rights association operating in the country, and was currently working to finalize the registration of those associations which had not yet completed that process. Within the Ministry, eight bodies acted in an advisory capacity on issues of concern to private associations.

23. The Government was rolling out the Be Born a Citizen project to all maternity wards and traditional midwives in all parts of the country; under that scheme, all births would be registered regardless of the nationality of the baby's parents. The Government was making efforts to simplify the process of acquiring Angolan nationality for the children of foreign nationals.

24. **Ms. Manuela** (Angola) said that, although there was not yet any specific legislation banning discrimination, article 23 of the Constitution enshrined the concept of non-discrimination. Article 214 of the draft Criminal Code soon to be put before parliament established a sentence of 2 years in prison and a fine equivalent to 240 times the minimum daily wage for refusing to provide employment, goods or services on the grounds of race, ethnicity, gender, sexual orientation or disability.

25. The Government had conducted awareness-raising campaigns, including talks and radio broadcasts, to inform women in rural areas of their economic, social and cultural rights, and of the channels available to them to complain about rights violations. Legal aid was available for women, and civil society organizations also provided assistance in that area.

26. The Government was extending the jurisdiction of the courts, and was considering establishing alternative justice mechanisms, including mediation and arbitration services. The current bill on access to justice, which was intended to reduce bureaucracy, would establish legal assistance centres with a specific budget and trained staff. A total of 60 local authorities were considering setting up such centres.

27. Article 76 of the Constitution on the right and duty to work should not be understood as a justification of forced labour; rather, civil servants had a duty to comply with the law and fulfil the responsibilities entrusted to them.

28. Victims of sexual harassment at work could turn to labour and civil disciplinary bodies for redress, and the draft Criminal Code provided for a term of imprisonment of 3 years or a fine equivalent to 360 times the minimum daily wage for abuse of authority.

29. Efforts were being made to combat the practice of polygamy through awareness-raising programmes. Under the provisions of the Family Code, marriages had to be monogamous; however, de facto unions legalizing unofficial marriages were permitted under article 7 of the Constitution, which stated that customary practices which had not been outlawed should continue to be recognized.

30. While the age of majority was 18, boys could marry at the age of 16 and girls at the age of 15 with consent from their parents or the courts; however, such cases were rare. In partnership with children's rights organizations and the Attorney General's Office, the Government had carried out awareness-raising campaigns to dissuade people from the customary practice of early marriage.

31. **Mr. Hivilikwa** (Angola) said that the forthcoming results of the household health survey would provide more information on the issue of teenage pregnancy. The National Reproductive Health Strategy had led to a drop in the rate of pregnancy among girls under the age of 15 from 1.6 per cent in 2014 to 1.3 per cent in 2015. The Ministry of Health was currently drafting an integrated health programme for young people in collaboration with partners including the United Nations Children's Fund (UNICEF), the Ministry of Education, women's groups and the media. All hospitals and maternity centres offered free consultations on sexual and reproductive health, and free contraceptives were widely available, including in bars and hotels.

32. **Ms. da Luz** (Angola) said that article 25 of the Constitution granted foreigners and stateless persons the same rights as Angolan nationals, with the exception of voting rights and employment in diplomatic and security services, and asylum could be requested on political grounds. The children of immigrants, asylum seekers and refugees were entitled to access housing, health and education services. A new law on the rights of asylum seekers and refugees would be brought into effect shortly.

33. Since 2006, the Government had been implementing an integrated programme to combat poverty and provide basic services to 15 million people. The programme focused on many challenging areas, including the creation of basic infrastructure, the resettlement and reintegration of internally displaced persons, the reduction of hunger, the spread of HIV/AIDS, and access to employment opportunities.

34. All Angolan residents who lacked the necessary means of subsistence were eligible for benefits under the system of social protection. The persons concerned included those living in extreme poverty, women in disadvantaged situations, children and adolescents with special needs, older persons who were economically dependent or isolated, persons with disabilities, unemployed persons at risk of marginalization and others. There were both municipal and national programmes to combat poverty and hunger and to increase family income.

35. The new Productive Social Transfer programme assisted people in finding work and in creating productive infrastructure that was consistent with the new realities of the country. It emphasized social assistance through social income transfers, with a view to bringing women heads of household and other vulnerable members of society back into the production cycle. It also sought to build new villages, providing not only housing but also water, sanitation and other basic services.

36. The Government of Angola was developing a national strategy to prevent violence against children, with the participation of a range of ministries. Flagrant and alarming acts of such violence were occurring along Angola's borders, where children worked in diamond mines, construction sites and fisheries.

37. On the matter of violence against women, she said that, by ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the

African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Government of Angola had made a commitment to take measures to protect the rights of women, which included protection against discrimination. Laws had been adopted on the participation of women in political life and on combating domestic violence, inter alia. The Ministry of Family and Women's Empowerment was the body responsible for implementing the terms of those instruments.

38. **Ms. N'Dala** (Angola) said that the school lunch and snack programme was a vital component of the poverty reduction strategy; regular access to meals was essential for learning. The Government had entrusted that programme to the municipal authorities, and apportioned funding directly from the national budget to each municipality on the basis of population density.

39. The Government of Angola sought to provide physical, intellectual, moral, civic, ethical and professional education to the younger generation of Angolans; in its view, education should be compulsory, universal and free of charge. It strove to form educated individuals who could play an active role in society and to instil a spirit of entrepreneurship. There were short-, medium- and long-term goals, but no time frames.

40. Angola was a vast tapestry of languages. Currently, 4 million children were taught in their indigenous native languages; additional languages would be incorporated gradually into school programmes. More girls than boys stayed in school; that might be attributable to the outmoded cultural view that girls had more initiative, creativity and entrepreneurship.

41. Efforts to promote education in rural areas included, inter alia, building new schools, recruiting more teachers and distributing school supplies free of charge. The Government was also assessing its mobile schools programme. There were many obstacles to school attendance in rural areas, including droughts, floods and other disasters. Girls were more affected by those obstacles than boys.

42. The Angola Learning for All Project, funded by the World Bank, aimed to improve teachers' skills and knowledge. Both national and international non-governmental organizations had reacted favourably to the early results of the project. UNESCO was also providing funding for education in Angola.

43. **Ms. Bras Gomes** asked whether the provision of social benefits was part of the social protection floor, and what those benefits comprised. She would also like to know how social spending had evolved in relation to the economic and political crisis in the country. She pointed out that the social protection floor should assist persons working in the informal sector until such time as they regularized their work status.

44. **Mr. Kedzia** said that the delegation had given an account of the concept of the right to work and the duty to work that differed from the one presented in the report. Article 76 of the Constitution raised doubts, since the notion of work as a duty might be used to justify forms of forced labour. Information would also be welcome on violations of the right to strike. It would be useful to know if labour inspections were carried out, and what were the results. More information would be helpful on the transition from an informal to a formal economy.

45. **Ms. Shin** said that she would like information on national efforts to combat traditional practices that discriminated against women. It would also be helpful to know what was being done to combat discrimination against women living in rural areas, women with disabilities and women belonging to ethnic minorities.

46. **Mr. Uprimny** said that the Committee welcomed improvements in the collection of information in Angola. The census taken in 2014 was a major step forward. The State party's report indicated that maternal mortality had dropped from 1,400 to 450 live births in the past several years; he wondered if the Government could confirm those figures.

47. **Mr. Zerbini Ribeiro Leão** (Country Rapporteur) said that he would like to know if there was a governmental framework for indigenous peoples in Angola, whether that framework ensured the protection of their right to the enjoyment of physical and mental health, and whether there was sufficient access in rural areas to both physical and mental health services. He would welcome a prompt answer to those questions.

48. **Mr. De Schutter** said he would like an update on the National Strategy for Food and Nutrition Security and the National Vulnerability Assessment Committee; in particular, he would like to know what role was being played by civil society in those programmes.

49. **Mr. Mancisidor de la Fuente** pointed out that the lack of recognition of linguistic diversity in the Constitution was not in keeping with the spirit of the Covenant or with the principle of non-discrimination. He urged the delegation to send replies in writing to the various unanswered questions.

50. **Mr. Graça** (Angola) said that the delegation would transmit information about the social protection floor within the next 48 hours, if possible. He said that the matter of work as a right and duty might, in fact, be a problem of translation. The concept of work as a duty implied that a person actively sought work and that the State prepared him or her for a profession; it did not mean that he or she was forced to work.

51. Answers would be provided in writing to the questions about statistical data on the labour sector, the effectiveness of labour inspections, and trade union membership. His delegation noted the Committee's concern regarding the maternal mortality rate and would look into the matter and confirm whether or not the information provided was accurate. His delegation would also look into the operations of the two institutions mentioned in relation to food security.

52. The Constitution placed all ethnic groups on an equal footing. Based on the understanding that no particular group should be treated differently than any other, it did not recognize the existence of indigenous peoples.

53. **Ms. Manuela** (Angola) said that protection of the economic, social and cultural rights of rural women was primarily the State's responsibility. The State did work in partnership with NGOs that helped to raise women's awareness of their rights, as it was only with such awareness that women could have access to justice. Additional information on existing plans and programmes in the area of women's rights would be provided in writing, along with examples of specific cases in which the Covenant had been applied.

54. There was no forced labour in Angola, and the Constitution could not be interpreted as providing for forced labour. National labour laws conferred both rights and duties on all workers, but that did not equate to forced labour.

55. **Mr. Hivilikwa** (Angola) said that the National Health Policy included goals related to mental health and that a study was under way to determine the main causes of mental illness and the incidence of such illness in Angola. Mental health services were available in six provinces, and the National Health Policy called for measures to build capacity, train staff and expand those services. According to the 2014 census, there were about 700,000 persons with disabilities in Angola, and of those, more than 650,000 were persons with mental disabilities. His Government was well aware of the scale of mental illness in the country and would strive to do more to combat the problem in the future.

56. **Mr. António** (Angola) said that the National Programme of Urbanism and Housing had been implemented since 2008 and comprised six subprogrammes, one of which dealt with land reserves, which were to be set aside and made available for housing whenever a development project was carried out. Reserves covering about 200,000 hectares of land had been established, making it possible to build a large number of housing units.

57. The "200 homes per municipality" subprogramme was available to all municipalities that were not provincial capitals. It was expected that some 26,000 housing units would be built under the subprogramme, of which about 10,000 had already been completed. Housing created through the National Programme was available to all without discrimination, and quotas for vulnerable groups had been established.

58. Another subprogramme focused on improving the housing currently available in several municipalities. Homes would be demolished and new ones built that would be serviced with new infrastructure. The Government was currently analysing proposals from private companies to upgrade three neighbourhoods in Luanda. There were also plans to build self-sustaining rural villages in various provinces. The costs of that project were currently being estimated.

59. About 68.5 per cent of the resources allocated to implement the National Programme were being used to fund a subprogramme that would subsidize building materials and make those materials available to local communities so that the members of those communities could build their own homes. The goal was for 685,000 homes to be built under that subprogramme. Infrastructure such as roads, water and electricity would also be provided for the communities.

60. Social housing units could be acquired through one of three means: a rental contract; a promissory note; or upfront payment. In the case of a rental contract, a low rental fee was charged, and payment could be extended over a long period. Persons who obtained social housing by means of a promissory note had 25 to 30 years to pay off the cost of the home but could do so more quickly if they wished.

61. While it had previously been possible to carry out evictions through an administrative process, current laws made a court order mandatory. Evictions normally took place only in cases where a person had encroached on another's property or had built on State land or on land that was unsafe. In cases where the Government wished to occupy land for which there was no title, it engaged in dialogue with the persons affected and offered them an equivalent parcel of land on which to build a new home. In Huila Province, persons living close to the planned route of a new access road to the main highway had been relocated to land on a reserve that was near a new housing development project. The Government was breathing new life into both urban and rural areas with its development projects and was ensuring access to decent housing.

62. **Mr. Zerbini Ribeiro Leão** thanked the delegation for its very useful answers and for the excellent way in which the dialogue had been conducted. He looked forward to receiving the statistical data that would be submitted in writing concerning the Government's efforts in many different sectors, all of which sought to affirm human dignity.

63. **Mr. Graça** (Angola) thanked the Committee for its valuable and constructive comments, which would help his country to strengthen its national mechanisms for the protection of the Covenant rights. Careful consideration would be given to how best to implement the Committee's recommendations, many of which coincided with the priority objectives set by his Government, namely those of strengthening the rule of law and improving the country's human development index.

64. A number of different measures in the fields of health, education and housing would be needed to meet those objectives. Programmes to address those areas were included in the National Development Plan 2013-2017. The dialogue had helped his delegation to better understand how the Committee worked and what types of information it valued the most. His Government was deeply committed to sustainable development, which required long-term planning. He wished to draw the Committee's attention not just to his Government's one-off results but to significant trends, such as the drop in the Gini coefficient and the increase in the human development index in recent years. If those trends continued, it

would surely help to make the Covenant rights a reality, as those rights were ultimately the result of development.

65. **The Chair** said that the Committee would adopt its concluding observations in good faith with a view to helping the State party chart its way as it worked to implement the Covenant. He hoped and trusted that those concluding observations would be disseminated to policymakers in the country and would be given due consideration. He also hoped that the State party's next periodic report would be submitted in a timely manner. Lastly, he reminded the delegation that it had 48 hours to submit any further information in writing.

The meeting rose at 12.50 p.m.